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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/593,524
Filing Date: July 29, 2008
Appellant(s): YAO, XIN

Grant Rodolph
Reg. No. 50,487
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/01/2010 appealing from the Office action mailed 05/10/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 4-5, 8, 11, 13-14, 21-24, 28 are pending, and have been rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,754,709 B1	Gbadegesin	6-2004
7,146,410 B1	Akman	12-2006
2002/0021688 A1	Chen	2-2002
7,574,522 B2	Oguchi	8-2009

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 11, 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Gbadegesin (US Patent 6,754,709 B1).

As to claim 1, **Gbadegesin** teaches a method, comprising:

receiving a message by a signaling proxy (SP), wherein the message has a source address and a destination address (*the gNAT (e.g. signaling proxy (SP)) detects the message from C1 address (e.g. source address) to S1 (e.g. destination address)*, **Gbadegesin**, **Col. 11, Line 43-61**);

processing the message if the destination address of the message is different than a SP address and an address for which the message is intended (*The proxy may include a translation of both the source and destination addresses (e.g. processing the message) such that the messages are actually forwarded by the proxy to server S2 (e.g. intended address) with an indication that the source was C2*, **Gbadegesin**, **Col. 11, Line 43-61**); and

sending the message (*the messages are forwarded by the proxy to server S2*, **Gbadegesin**, **Col. 11, Line 43-61**).

As to claim 11, **Gbadegesin** teaches an apparatus, comprising:

a receiving unit (*network interface*, **Gbadegesin, Fig. 1, 53**) configured to receiving a message, wherein the message has a source address and a destination address (*the gNAT detects the message from C1 address (e.g. source address) to S1 (e.g. destination address)*, **Gbadegesin**, **Col. 11, Line 43-61**);

a processing unit (*processing unit*, **Gbadegesin, Fig. 1, 21**) configured to process the message if the destination address of the message is different than a SP address and an address for which the message is intended (*The proxy may include a translation of both the source and destination addresses (e.g. to process the message) such that the messages are actually forwarded by the proxy to server S2 (e.g. intended address) with an indication that the source was C2*, **Gbadegesin**, **Col. 11, Line 43-61**); and

a sending unit (*network interface*, **Gbadegesin, Fig. 1, 53**) configured to send the message (*the messages are forwarded by the proxy to server S2,* **Gbadegesin**, **Col. 11, Line 43-61**).

As to claim 22, **Gbadegesin** teaches the method according to claim 1, wherein the address for which the message is intended is an address of a terminal or an address of a server (*The proxy may include a translation of both the source and destination addresses such that the messages are actually forwarded by the proxy to server S2 (e.g. intended address) with an indication that the source was C2*, **Gbadegesin**, **Col. 11, Line 43-61**).

As to claim 23, **Gbadegesin** teaches the apparatus according to claim 11, wherein the address for which the message is intended is an address of a terminal or an address of a server (*The proxy may include a translation of both the source and destination addresses such that the messages are actually forwarded by the proxy to*

server S2 (e.g. intended address) with an indication that the source was C2, **Gbadegesin**, **Col. 11, Line 43-61**).

Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by Akman (US Patent 7,146,410, B1).

As to claim 24, **Akman** teaches a system, comprising:

a signaling proxy (SP) (*MEGACO NAT*, **Akman, Fig. 1B, 170**) located between a terminal (*MG*, **Akman, Fig. 1B, 140**) and a server (*MGC*, **Akman, Fig. 1B, 110.** *Note the route of the messages traveling is: terminal TO Firewall/Router 160 (e.g. router) TO MEGACO NAT 170 (e.g. SP) TO Firewall/Router 160 TO MGC (e.g. server) in* ***Akman, Col 4, Line 42-60.*** *Therefore Akman discloses a SP located between a terminal and a server*); and

a router (*FIREWALL/ROUTER*, **Akman, Fig. 1B, 160**) located between the terminal and the SP (*FIREWALL/ROUTER 160 is between MG 140 and MGC 110*, **Akman, Fig. 1B**),

wherein the SP is configured to receive a message and process the message if at least one of a VPN ID, a VLAN ID, a MPLS ID, an IP protocol type, a source address, or a source port of the message meets a strategy of the SP (*The firewall/NAT 160 then inspects the Service Change message and changes the IP address of the MG from [10.12.2.2] to [175.17.4.1] 220 (e.g. processing the message if source address meets a*

strategy). [175.17.4.1] is the IP address of the firewall/NAT 160 according to the private IP network 120. The change is entered in the NAT table maintained by the firewall/NAT 160. Next, the firewall/NAT 160 sends the MEGACO Service Change message 230 to the MGC 110 using the substitute IP address, **Akman, Col. 4, Line 25-53**); and

wherein the router is configured to forward the message to the SP according to a forwarding strategy (*firewall/NAT router 160 offloads all MEGACO messages entering and leaving IP network 120 to MEGACO NAT server 170 (e.g. forwarding strategy) for inspection and translation of IP addresses within MEGACO messages*, **Akman, Col. 4, Line 1-13**).

Claims 4, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gbadegesin in view of Chen et al. (Hereinafter Chen, US Patent Application Publication 2002/0021688 A1).

As to claim 4, **Gbadegesin** substantially teaches a method as set forth in claim 1 above and replacing the destination address of the message with the address for which the message is intended (*The proxy may include a translation of both the source and destination addresses such that the messages are actually forwarded by the proxy to server S2 (e.g. intended address) with an indication that the source was C2*, **Gbadegesin, Col. 11, Line 43-61**); and

replacing the source address of the message with an address ((*The proxy may include a translation of both the source and destination addresses such that the messages are actually forwarded by the proxy to server S2 (e.g. intended address) with an indication that the source was C2*, **Gbadegesin, Col. 11, Line 43-61**).

Gbadegesin differs from the instant claim in not disclosing substituting the source address with the address of the SP.

However **Chen** teaches substituting the source address with the address of a SP (changing the packet header so that the source address is the home agent address (e.g. an address of an SP), **Chen, Para. 0015; Chen, Para. 0032-0033**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use source address replacement of **Chen** on the method of **Gbadegesin** in order to inspect and translate control protocol messages exchanged between nodes on separate IP networks.

As to claim 13, **Gbadegesin** substantially teaches an apparatus as set forth in claim 11 above and to replace the destination address of the message with the address for which the message is intended (*The proxy may include a translation of both the source and destination addresses such that the messages are actually forwarded by the proxy to server S2 (e.g. intended address) with an indication that the source was C2*, **Gbadegesin, Col. 11, Line 43-61**), and replace the source address of the message with an address ((*The proxy may include a translation of both the source and destination addresses such that the messages are actually forwarded by the proxy to*

server S2 (e.g. intended address) with an indication that the source was C2, **Gbadegesin, Col. 11, Line 43-61**).

Gbadegesin differs from the instant claim in not disclosing to substitute the source address with the address of the SP.

However **Chen** teaches substituting the source address with the address of a SP (changing the packet header so that the source address is the home agent address (e.g. an address of an SP), **Chen, Para. 0015; Chen, Para. 0032-0033**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use source address replacement of **Chen** on the apparatus of **Gbadegesin** in order to inspect and translate control protocol messages exchanged between nodes on separate IP networks.

Claims 5, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gbadegesin modified by Chen as applied to claim 4, 13 above, and further in view of Akman.

As to claim 5, **Gbadegesin-Chen** substantially teaches a method as set forth in claim 4 above and receiving a response from an entity for which the message is intended; and sending the response (*the intelligent transparent proxy may use the NAT API 108 (see FIG. 9) to command a dynamic redirect in the gNAT 106 so that when*

messages are received from server S.sub.2 they may be properly routed to the correct client (C1), **Gbadegesin, Col. 11, Line 62 – Col. 12, Line 17**).

Gbadegesin-Chen does not explicitly disclose replacing a destination address of the response with the source address of the message; replacing a source address of the response with the destination address of the message.

However **Akman** teaches replacing a destination address of a response with a source address of a message; replacing a source address of a response with a destination address of a message (*The MGC 110 responds with a Service Change Reply message 240 containing its IP address. The firewall/NAT 160 relays the Service Change Reply message 250 to MG [10.12.2.2] 140 completing the registration*, **Akman, Col. 4, Line 32-41; Akman, Fig. 2A**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use address replacement of **Akman** on the method of **Gbadegesin-Chen** in order to inspect and translate control protocol messages exchanged between nodes on separate IP networks.

As to claim 14, **Gbadegesin-Chen** substantially teaches an apparatus as set forth in claim 13 above and to receive a response from an entity for which the message is intended (*the intelligent transparent proxy may use the NAT API 108 (see FIG. 9) to command a dynamic redirect in the gNAT 106 so that when messages are received from server S.sub.2 they may be properly routed to the correct client (C1)*, **Gbadegesin, Col. 11, Line 62 – Col. 12, Line 17**).

Gbadegesin-Chen does not explicitly disclose to replace a destination address of the response with the source address of the message and replace a source address of the response with the destination address of the message.

However **Akman** teaches to replace a destination address of a response with a source address of a message and replace a source address of a response with a destination address of a message (*The MGC 110 responds with a Service Change Reply message 240 containing its IP address. The firewall/NAT 160 relays the Service Change Reply message 250 to MG [10.12.2.2] 140 completing the registration*, **Akman, Col. 4, Line 32-41; Akman, Fig. 2A**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use address replacement of **Akman** on the apparatus of **Gbadegesin-Chen** in order to inspect and translate control protocol messages exchanged between nodes on separate IP networks.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gbadegesin in view of Akman.

As to claim 8, **Gbadegesin** substantially teaches a method as set forth in claim 1 above.

Gbadegesin does not explicitly disclose before the SP receives the message, forwarding the message to the SP according to a forwarding strategy by a network device.

However **Akman** teaches before a SP receives a message, forwarding the message to the SP according to a forwarding strategy by a network device (*firewall/NAT router 160 offloads all MEGACO messages entering and leaving IP network 120 to MEGACO NAT server 170 (e.g. forwarding strategy) for inspection and translation of IP addresses within MEGACO messages*, **Akman, Col. 4, Line 1-13**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use address replacement of **Akman** on the method of **Gbadegesin** in order to inspect and translate control protocol messages exchanged between nodes on separate IP networks.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gbadegesin modified by Akman as applied to claim 8 above, and further in view of Oguchi (US Patent 7,574,522 B2).

As to claim 21, **Gbadegesin-Akman** substantially teaches a method as set forth in claim 8.

Gbadegesin-Akman does not explicitly disclose the forwarding strategy comprises forwarding the message to the SP according to the destination address of the message.

However **Oguchi** teaches a forwarding strategy comprises forwarding a message to a SP according to the destination address of the message (*a default route is set so that each of the routers within the private address domain forwards all the packets of which destination addresses are other than within the Intranet to the NAT router*, **Oguchi, Col. 1, Line 54-60**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use forwarding strategy of **Oguchi** on the method of **Gbadegesin-Akman** in order to keep a confidentiality of the local intranet and to block interference from outside.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akman in view of Oguchi (US Patent 7,574,522 B2).

As to claim 28, **Akman** substantially teaches a system as set forth in claim 24.

Akman does not explicitly disclose the forwarding strategy comprises forwarding the message to the SP according to the destination address of the message.

However **Oguchi** teaches a forwarding strategy comprises forwarding a message to a SP according to the destination address of the message (*a default route*

is set so that each of the routers within the private address domain forwards all the packets of which destination addresses are other than within the Intranet to the NAT router, **Oguchi, Col. 1, Line 54-60**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use forwarding strategy of **Oguchi** on the system of **Akman** in order to keep a confidentiality of the local intranet and to block interference from outside.

(10) Response to Argument

In response to Appellant's argument "Claims 1, 11, 22, and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gbadegesin. Claims 24 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Akman. Claim 22 depends from independent claim 1, and claim 23 depends from independent claim 11. Thus, claims 1, 11, 22, and 23 stand or fall on the application of Gbadegesin to independent claims 1 and 11, and claim 24 stands or falls on the application of Akman to independent claim 24. According to the Court of Appeals for the Federal Circuit, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Appellant respectfully asserts that Gbadegesin fails to teach each and every element of independent claims 1 and 11, and consequently fails to anticipate claims 1, 11, 22, and

23. Similarly, the Appellant respectfully asserts that Akman fails to teach each and every element of independent claim 24, and consequently fails to anticipate claim 24" from line 15 on page 7 to line 4 on page 8.

The examiner disagrees with argument for the following reasons:

The appellant fails to particularly and specifically point out which element or elements in claims 1 and 11 are not anticipated by Gbadegesin and which element or elements in claim 24 are not anticipated by Akman. Therefore, there is no way for the examiner to respond this argument. As set forth in the Office action mailed on 05/10/2010, claims 1 and 11 are rejected under USC 102(b) over Gbadegesin and claim 24 is rejected under USC 102(e) over Akman.

In response to Appellant's argument "The Appellant respectfully submits that the combination of Gbadegesin and Chen fails to disclose all of the elements set forth in claims 4 mid 13, and consequently does not render obvious claims 4 and 13. The Appellant also submits that the combination of Gbadegesin, Chen, and Akman fails to disclose all of the elements set forth in claims 5 and 14, and consequently does not render obvious claims 5 and 14. In addition, the Appellant submits that the combination of Gbadegesin and Akman fails to disclose all of the elements set forth in claim 8, and consequently does not render obvious claims 8. Furthermore, the Appellant submits that the combination of Gbadegesin, Akman, and Oguchi fails to disclose all of the elements set forth in claim 21, and consequently does not render obvious claim 21. Finally, the Appellant submits that the combination of Akman and Oguchi fails to disclose all of the

elements set forth in claim. 28, and consequently does not render obvious claim 28" from line 16 on page 8 to line 3 on page 9.

The examiner disagrees with argument for the following reasons:

The appellant fails to particularly and specifically point out which element or elements in claims 4 and 13 are not disclosed by Gbadegesin modified by Chen, which element or elements in claims 5 and 114 are not disclosed by Gbadegesin modified by Chen and Akman, which element or elements in claim 8 are not disclosed by Gbadegesin modified by Akman, which element or elements in claim 21 are not disclosed by Gbadegesin modified by Akman and Oguchi, and which element or elements in claim 28 are not disclosed by Akman modified by Oguchi. Therefore, there is no way for the examiner to respond this argument. As set forth in the Office action mailed on 05/10/2010, claims 4 and 13 are rejected under USC 103(a) over Gbadegesin in view of Chen, claims 5 and 14 are rejected under USC 103(a) over Gbadegesin in view of Chen and Akman, claim 8 is rejected under USC 103(a) over Gbadegesin in view of Akman, claim 21 is rejected under USC 103(a) over Gbadegesin in view of Akman and Oguchi, claim 28 is rejected under USC 103(a) over Akman in view of Oguchi.

In response to Appellant's argument "In the first case. Gbadegesin's DA is the same as the proxy address..... Gbadegesin's DA is the same as the proxy address, and thus does not anticipate the claimed limitation" from the last line on page 9 to line 12 on page 10.

The examiner disagrees with argument for the following reasons:

the rejection to claims 1 and 11 under USC 102(b) does not rely on Gbadegesin's disclosure in Col. 2, Line 18-28. As set forth in the Office action mailed on 05/10/2010, the rejection to claims 1 and 11 under USC 102(b) relies on Gbadegesin's disclosure in Col. 11, Line 43-61.

In response to Appellant's argument "In the first case. Gbadegesin's DA is the same as the proxy address..... Therefore, the DA of the message is the same as the address for which the message is intended, and thus does not anticipate the claimed limitation. While C1's message ultimately arrives at S2, the above limitation requires that the DA be different than the address for which the message is intended (i.e. S1), not that the DA be different than the address at which the message ultimately arrives (i.e. S2). Thus, Gbadegesin's DA is the same as the address for which the message is intended. As such, Gbadegesin fails to teach at least one limitation of independent claim 1, and consequently fails to anticipate claims 1, 11, 22, and 23" from line 12 on page 10 to the last line on page 11.

The examiner disagrees with argument for the following reasons:

"During examination, the claims must be interpreted as broadly as their terms reasonably allow." MPEP § 2111.01(I) (citing to In re American Academy of Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004)). "This means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification." MPEP § 2111.01(I) (citing to In re Zletz,

893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004)). However, "'[t]hough understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim.'" MPEP § 2111.01(II) (quoting Superguide Corp. v. DirecTV Enterprises, Inc., 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004)).

In this case, Examiner notes that independent claim 1 does not give any formal definition in which "an address for which the message is intended" is to be narrowly judged, and instead the claimed limitation merely calls for the destination address (DA) being different than an address for which the message is intended. Therefore, "an address for which the message is intended" can be interpreted as an address to where a proxy intends to forward message or an address to where a client intends to send message.

Moreover, as disclosed in Gbadegesin "when the gNAT machine 126 detects the message from C1 addressed to S1, it checks **to determine** if a dynamic redirect exists for such a session as discussed above. As illustrated in FIG. 12, a dynamic redirect 128 does exist to forward the message to the proxy session 141. **The proxy may include a translation of both the source and destination addresses such that the messages are actually forwarded by the proxy to server S2**" (see Col. 11, Line 43-61). Thus, given that S2 is the address to where the proxy intends to forward the message reads on the ordinary and customary meaning of the destination address (DA) being different than an address for which the message is intended.

The examiner recognizes that "[a]n applicant is entitled to be his or her own lexicographer [to thereby] rebut the presumption that claim terms are to be given their ordinary and customary meaning", this should be done "by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)." MPEP § 2111.01(IV) (citing to In re Paulsen, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994)) (emphasis added). Therefore, the examiner submits that the plain meaning of "an address for which the message is intended" controls how these terms should be interpreted.

In response to Appellant's argument "However, claim 24 recites the physical connectivity of the SP, the terminal, and the server, not the message routing between the SP, the terminal, and the server. Thus, Akman fails to teach a SP located between a terminal and a server. As such, Akman fails to teach at least one element of independent claim 24, and consequently fails to anticipate claim 24" from line 12 on page 10 to the last line on page 11.

The examiner disagrees with argument for the following reasons:

According to Merriam-Webster's Collegiate Dictionary, Tenth Edition, connectivity is defined as "the ability to connect to or communicate with another computer or computer system." Akman discloses the path on which messages travel: **terminal** TO Firewall/Router 160 (e.g. router) TO **MEGACO NAT 170 (e.g. SP)** TO Firewall/Router 160 TO **MGC (e.g. server)** in Akman, see Col 4, Line 42-60 and FIG. 2B. As the messages are sent from the terminal and arrive at the server via the SP, the physical

connectivity (or actual communication) of the SP, the terminal, and the server is disclosed by Akman. Therefore Akman's disclosure reads on the claimed limitation of "a SP located between a terminal and a server".

As an aside, the examiner respectfully submits that claim 24 says nothing to "the physical connectivity of the SP, the terminal, and the server" (citing page 13 of the brief), as suggested by the appellant. The claim language merely calls for a SP located between a terminal and a server.

In response to Appellant's argument "Claims 4 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gbadegesin in view of U.S. Patent Application Publication 2002/0021688 (Chen). Claims 5 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gbadegesin in view of Chen and Akman. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gbadegesin in view of Akman. Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gbadegesin in view of Akman and U.S. Patent 7,574,522 (Oguchi). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Akman in view of Oguchi. Claims 4, 5, 8, and 21 depend from independent claim 1, claims 13 and 14 depend from independent claim 11, and claim 28 depends from independent claim 24. Claims 1, 11, and 24 are allowable over the cited prior art for the reasons discussed above, thus claims 4, 5, 8, 13, 14, 21, and 28 are also allowable" from line 12 on page 13 to line 7 on page 14.

The examiner disagrees with argument for the following reasons: the examiner respectfully points out that no additional argument or explanation is provided and refers back to the above response.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/RUOLEI ZONG/
Examiner, Art Unit 2441

/Wing F. Chan/
Supervisory Patent Examiner, Art Unit 2441

1/12/2011

Conferees:

/Quang N. Nguyen/
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